

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No.: 1:05-cv-00979

A. BÜHLER S.A. CURTUME,

Plaintiff,

v.

ORDER

UNIVERSAL LEATHER, L.L.C.,

Defendant.

THIS CAUSE, came before the Court on motion of the Plaintiff A. Bühler S.A. Curtume (“Buhler”) alternatively moved to dismiss Civil Action Number 1:05-cv-01059 for Plaintiff’s Insufficiency of Service of Process. For its part, Defendant Universal Leather, L.L.C. (“Universal”) has also moved to consolidate these civil actions, and has moved to Motion to Stay this present action. Both parties’ Motions to Consolidate are made pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, and Buhler’s Motion to Dismiss rises out of Rule 12(b)(5) of the Federal Rules of Civil Procedure. The Court, having considered the pleadings, brief, and oral argument of counsel, and it appearing to the Court that the granting of the Motion to Consolidate moots Buhler’s Motion to Dismiss and Universal’s Motion to Stay, and that the Cross Motions to Consolidation should be GRANTED.

IT IS THEREFORE, ORDERED AND DECREED that Civil Action Number 1:05-cv-01059 and 1:05-cv-00979 shall be consolidated. The case shall remain captioned as above, and shall continue under the Joint Rule 26(f) Report as approved by this Court February 17, 2006. The Complaints filed in each action shall remain operative and treated as counterclaims against the other

party. Each party shall have twenty (20) days from the entry of this Order to file an answer or other responsive pleadings. It is expressly held herein that the consolidation of these cases has cured and resolved any issues related to service of process upon Buhler. The consolidated civil action shall proceed as captioned above, and for all purposes Buhler shall be designated as Plaintiff; however, at trial Universal shall have all privilege belonging to a Plaintiff, including the right to strike jurors, present opening statement, present evidence and present closing argument first.

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: March 13, 2006